

AGENDA

CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Tuesday, November 17, 2015, at 9:00 AM
Department of Public Health
410 Capitol Avenue, Hartford CT
Third Floor – Conference Room “C”

CALL TO ORDER

I. Minutes

Review and approval of the minutes from the September 22, 2015 meeting.

II. Department of Public Health Updates

- A. Investigations Update
Gary Griffin, Practitioner Investigation Unit, DPH
- B. Examination Update
Deborah Brown, Health Program Assistant
- C. Schedule meeting dates for 2016

III. Additional Agenda Items

ADJOURN

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566*

The following minutes are draft minutes which are subject to revision and have not yet been adopted by the board.

The Connecticut Board of Examiners for Opticians held a meeting on Wednesday September 22, 2015 at the Department of Public Health, 410 Capitol Avenue, Second Floor, Law Library, Hartford, CT.

Board Members Present: René "Skip" Rivard, LO, Chairperson
Daniel Denegre, LO
Donna K. Bojus (Public Member)

Board Members Absent: None

Also Present: Stephen Carragher, Health Program Supervisor, DPH; Gary Griffin, Practitioner Investigation Unit, DPH; Kathleen Boulware, Practitioner Licensing and Investigations Section, DPH; Deborah Brown, DPH Health Program Assistant; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH (arrived at 9:30)

Members of the Public

Chairperson René Rivard called the meeting to order at 9:10 a.m.

Mr. Rivard asked to move agenda Item III: **Office of Licensure and Compliance**, to Item II, to allow Attorney Newton an early position on the agenda. **Motion: Bojus, Second Denegre. Motion Passed**

- I. Minutes -
 - A. Motion to accept minutes from the meeting of May 18, 2015. **Motion: Bojus; Second, Rivard; Second, Denegre. Motion Passed.**
- II. Office Of Licensure Regulation And Compliance - Presentation of Consent Order- Joelle Newton, Staff Attorney DPH
 - A. A. Sears Optical (Waterford, CT) - Petition No. 201 3-302
 1. No one was present on behalf of Sears Optical
 2. Discussion followed. **Motion: Denegre, Second, Bojus** to approve the Consent Order, which imposes a reprimand and a \$1,000.00 Civil Penalty. **Motion Passed.** Chairman Rivard signed the consent order.
- III. Department of Health Updates
 - A. Investigations Update - *Gary Griffin, Practitioner, Investigation Unit, DPH*
 1. Mr. Griffin reported one case under investigation. One case has been closed. Mr. Rivard requested and Mr. Griffin agreed to present the dismissed case to the Board for review.
 - B. Examination Update: Deborah Brown, *DPH Health Program Assistant*
 1. Mrs. Brown Updated the Board with exam results from the June licensing exam.
 2. Mr. Rivard will check room availability at Middlesex Community College for the November licensing exams and report back to Mrs. Brown.
- IV. Additional Agenda Items:
 - A. Mr. Carragher will investigate options to out-source the practical license exams. After considerable discussion, the Board agreed to review options.
 1. Mr. Denegre requested that the investigation include testing methods used by other licensed states.
 - B. Continuing Education Credits
 1. Mr. Carragher informed the Board that resources are currently not available to verify compliance with continuing education requirements. Ms. Boulware explained that historically, opticians who come under investigation have been compliant with CECs.

2. Alternative methods to confirm compliance, including statutory changes that might require opticians to maintain national certification with monitoring by a national agency.

C. Walmart Investigation Update

1. From a previous Board request, Kathleen Boulware addressed allegations of so-called optometric assistant duties requested of optical personnel at certain Walmart Opticals which may have a lease agreement with an independent optometrist.
2. Ms. Boulware informed the Board that allegations did not appear to violate statutory regulation pertaining to opticians or optometrist, but might be issues best referred to the State Department of Labor, Walmart Human Services or an individual's attorney.
3. A Declaratory Ruling issued by the Board of Examiners for Optometrists in 2002 was discussed.
4. Mr. Rivard allowed Marvin Key, LO, a member of the public, an opportunity to address the Board regarding his personal lawsuit against Walmart.
5. Ms. Boulware explained that a letter of May 2012, was presented to the Board with questions only. No actual complaint had been submitted. Any situation regarding a violation relating to the scope of practice of an optician or apprentice must be submitted to the DPH as a compliant to warrant further investigation.
6. Mr. Rivard recognized Ohan Karagozian, a member of the public to address the Board.
7. Additional advice might be sought from the Attorney General or considered in a Declaratory Ruling once specific questions are determined.

D. Cease and Desist Order:

1. Citing hypothetical situations regarding unlicensed practice, Mr. Rivard asked Ms. Boulware how a cease and desist order is implemented. Considerable discussion followed.
2. Mr. Rivard allowed Mr. Key to briefly address the Board.

E. Executive Session: Examination appeals.

1. Motion to go into Executive Session: **Bojus, Second, Denegre. Motion Passed.**
2. Motion to come out of Executive Session: **Motion Denegre, Second, Rivard Motion Passed.**

V. Adjourn

- A. **Motion Denegre, Second Rivard. Motion Passed.** Meeting adjourned at 12:10 PM.

Respectfully submitted,



René R. Rivard
Connecticut Board of Examiners for Opticians